***THE HON'BLE SRI JUSTICE P.S. NARAYANA**

+W.P.No.18396 OF 2006

% 13-09-2006

Between:

Sri Mathrudevi Viswasanthi Ashram Trust,
Sripuram, Sri Penusila Kshethram

.. Petitioner

And

$ Municipal Corporation of Hyderabad
Rep. by its Commissioner and another .. Respondents

<GIST:

>HEAD NOTE:

! Counsel for petitioner : Sri Sreedhar Reddy

^ Counsel for respondents : Sri Rama Rao Ghanta

?CASES REFERRED :

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HON'BLE SRI JUSTICE P.S. NARAYANA

W.P.No.18396 of 2006

Dated 13th SEPTEMBER 2006

Between:
Sri Mathrudevi Viswasanthi Ashram Trust
"Sripuram", Sri Penusila Kshethram 524342,
Nellore District, rep.by its Hyderabad City
Coordinator, B Bangaru Prashant

…. Petitioner

And:
Municipal Corporation of Hyderabad at
Tank Bund Road, Hyderabad, rep.by its
Commissioner & another

… Respondents

HON'BLE SRI JUSTICE P.S. NARAYANA

W.P.No.18396 of 2006

ORDER:

Heard both counsel. This Court ordered notice before admission on 4.09.2006.

2. The writ petition is filed by the petitioner, Sri Mathrudevi Viswasanthi Ashram Trust, Sripuram, praying for writ of *Mandamus* or any other appropriate writ or writs, order or direction, declaring the proceedings dated 25.08.2006 in Lr.No.843/PG/S1/MCH/2006/664 on the file of the

2nd respondent, as illegal and arbitrary and consequently direct the respondents to provide N.T.R. Stadium, Opp. Indira Park, Hyderabad to the petitioner for the purpose of holding a spiritual congregation from 01.01.2007 to 14.01.2007 and pass such other suitable orders.

3. It is stated that the petitioner is a Trust engaged in carrying on various peaceful, spiritual and religious discourses, organizing meditation camps, Kumkuma archanas etc. for the well being and prosperity of the Society. These programmes are conducted under the Divine blessings of Mata Vijeswari devi. The main Ashram is located at Penchala Kona of Nellore district in Andhra Pradesh. There are many disciples to Matha Vijeswari Devi and she had earned immense

popularity, repute and great following of spiritually inclined people. It is also stated that she has disciples from various parts of the state and also from foreign countries. The discourses are meant to soothe the minds of disciples from the hectic day-to-day tension filled life. The spiritual lectures will be addressed by Matha Vijeswasri Devi from the Holy scripts. It is also stated that the Trust has planned to hold a spiritual congregation of a large scale at Hyderabad from 1.1.2007 to 14.1.2007 comprising of spiritual discourses, kumkuma Archanas more specially 100 crores kumkuma archana, which is a special programme. It is also stated that the petitioner Trust had organized such programmes for 99 times so far and this is the 100th occasion. For this programme, a daily participation of 5000 members is expected by petitioner Trust. As the petitioner Trust wanted to hold the said programme at Hyderabad, they made an application to the 2nd respondent on 17.08.2006 requesting for grant of permission for allotment of ground space for the above period i.e. from 1.1.07 to 14.1.07 at N.T.R. Stadium, Opp. Indira Park, Hyderabad and the 2nd respondent by his proceedings dated 25.08.2006 in Lr.No.843/PG/S1/MCH/2006/664 had rejected the request of the petitioner stating that an interim order was passed by this Court directing the Municipal Corporation of Hyderabad not to permit the NTR Stadium to be used for the purpose of holding meetings, dharnas, picketing etc. and using loud speakers with amplifiers etc. and using loud speakers with amplifiers disturbing peace of locality, and in view of the said direction, they are not in a position to provide the Stadium for organizing spiritual congregation of the petitioner Trust. It is also stated that the impugned proceedings are wholly illegal, arbitrary and cannot stand to legal scrutiny. The action of the respondents in refusing to grant permission to conduct spiritual congregation at NTR Stadium is violative of fundamental rights guaranteed under

Constitution of India. The order passed in WAMP No.3347 of 2003 dated 30.10.2003, which was referred to, in the impugned order is not applicable to the facts of the present case. The permission sought for by the petitioner was purely for organizing a spiritual congregation and not for the purpose of conducting dharna, picketing, etc. using loud speakers by any political party. The petitioner is not affiliated to any political party or any organization whatsoever. The petitioner is purely an organization, which conducts spiritual programmes for the up-liftment of followers of Matha Vijeswari. By organizing this spiritual congregation, there would be no shouting or any sort of dharna except preaching and discourses, which will have a soothing effect on its members, and the followers of Matha Vijeswari Devi. It is also further stated that after the impugned order was passed, on enquiry, it has come to the notice of the petitioner that some of the organizations similarly placed to that of the petitioner herein have approached this Court earlier questioning similar rejection orders wherein the respondents rejected grant of permission for allotment of NTR stadium for conducting special discourses. This Court has intervened in the matter and directed the respondents to allot NTR Stadium to the petitioner therein for the purposes mentioned in the writ petition. One such order dated 15.12.2004 passed in WP No.23260 of 2004, wherein this Court was pleased to consider the aspect, which is similar to the case of the petitioner and also the effect of order in WAMP No.3347 of 2003 dated 30.10.2003 and direct the respondents to permit the writ petitioner to hold the said meetings as sought for in the representation. The petitioner is also similarly placed and if the petitioner is not allowed to conduct its spiritual discourses from 1.1.2007 to 14.1.2007, its members would suffer irreparable loss and great hardship. In such circumstances, the petitioner approached this Court for appropriate directions to the respondents as requested supra.

4. The order in Lr.No.843/PG/S1/MCH/2006/664 dated 25.08.2006, impugned in the present writ petition, reads hereunder.

"Sir,

Sub: Playground section – MCH Permission for organize Spiritual congregation at NTR Stadium from 1.1.07 To 14.7.07 – Request – Rejected.

Ref: 1. Judgment of the Hon'ble High Court of Andhra Pradesh in WAMP No.3347 of 2003 dt.30.10.2003
2. Representation of Shri Bangaru Prashant, Sri Mathrudevi Viswasanthi Ashram Trust, dt.17.8.2006.

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Shri Bangaru Prashant, Sri Mathrudevi Viswasanthi Ashram Trust, Sirpuram, Nellore District vide reference 1st cited has requested to provide NTR Stadium from 1st January to 14th January 2007 for organizing a spiritual congregation.

It is to inform that as per the judgment of the Hon'ble High Court of A.P. vide reference 1st cited, wherein the Hon'ble High Court has directed in the order that the "MCH will not permit the NTR Stadium to be used for the purpose of Holding Meetings, Dharnas, Picketing etc., and using Loud Speakers with Amplifiers disturbing peace of the locality."

In view of the above directions of the Hon'ble High Court of A.P., Shri Bangaru Prashant, Sri Mathrudevin Viswasanthi Ashram Trust, Sirpuram, Nellore District is hereby informed that the NTR Stadium cannot be provided for organize a spiritual congregation from 1st January to 14th January 2007.

Yours faithfully,
Sd/-
Director of Sports, MCH"

5. Sant Shree Asaramji Ashram Trust, New Delhi filed W.P.No.23260 of 2004 and this Court by order dated 15.12.2004 disposed of the writ petition with the following directions.

" a) The respondents shall permit the petitioner to hold the Satsang on 17th, 18th and 19th December, 2004 from 10.00 a.m. to 12.30 noon and 3.00 p.m. to 5.30 p.m. at NTR Stadium, Indira Park, Hyderabad. The petitioner shall be entitled to hold the Satsang in the timings referred to above;

b) The petitioner shall provide adequate parking place as well as the basic amenities to the persons who attend the Satsang, within the stadium;

c) The sound levels of the loud speakers shall be maintained in

such a manner as not to disturb the local residents; and

d) There shall be no order as to costs."

6. It is no doubt brought to the notice of this Court that in WAMP No.3447 of 2003, the Division of this Court on 30.10.2003 made the following order:

> "Until further orders it is directed that operation of the impugned Judgment remains stayed only to the extent that it is permissible for the appellant to permit use of NTR Stadium for recreation and for public purposes including state function scheduled to be conducted on the A.P.Formation day i.e,. 1st November 2003.
>
> Appellant will not permit the stadium to be used for the purposes of holding Meetings Dharnas, Picketing etc. using loud speakers with Amplifiers disturbing peace of the locality."

7. It is needless to say that the purpose for which the relief is being prayed for in the present writ petition is totally different. The said order made in WAMP No.3347 of 2003 does not come in the way of this Court in making appropriate directions.

8. In the facts and circumstances and inasmuch as the impugned order is not sustainable and the same is hereby set aside and the respondents are directed to reconsider the whole issue of granting permission to the petitioner for holding meeting for spiritual purpose from 1.1.2007 to 14.01.2007. It is needless to say that the petitioner to take adequate care for providing necessary amenities to the persons who may be attending to the said spiritual meeting. It is also needless to say that the petitioner to take steps to see the sound levels of the loud speakers not to disturb the residents of the locality. The respondents to take a decision at the earliest point of time, preferably within one week from the date of receipt of a copy of this order.

With the above directions, the writ petition is disposed of. No order as to costs.

P.S. NARAYANA, J

Date: 13th SEPTEMBER 2006

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